



# Albemarle County

## Legislation Text

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**File #:** 18-431, **Version:** 1

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**AGENDA DATE:** 8/8/2018

**TITLE:**

Ordinance to Amend County Code Chapter 4, Animals and Fowl

**SUBJECT/PROPOSAL/REQUEST:** Schedule a public hearing on an ordinance to amend Chapter 4, Animals and Fowl

**ITEM TYPE:** Regular Action Item

**STAFF CONTACT(S):** Richardson, Walker, Kamptner, Farley, Wells

**PRESENTER (S):** Greg Kamptner, Amanda Farley

**LEGAL REVIEW:** Yes

**REVIEWED BY:** Jeffrey B. Richardson

**BACKGROUND:** The Board has directed the County Attorney's Office to conduct a comprehensive review and recodification of the County Code. Chapter 4 of the County Code pertains to animals and the regulations in the chapter range from licensing dogs, dangerous dogs, vicious dogs, and dogs running at large to animal welfare. Chapter 4's animal welfare regulations include standards of care to be provided to companion animals; prohibits cruelty to animals, abandonment, and other acts; establishes requirements for rabies control; and establishes penalties for animals owners and procedures and requirements for seizing, impounding, and disposing of animals under prescribed circumstances.

**STRATEGIC PLAN:** Quality Government Operations: Ensure County's government capacity to provide high quality service that achieves community priorities.

**DISCUSSION:** Chapter 4 is enabled by the Comprehensive Animal Care Law (Virginia Code § 3.2-6500 *et seq.*) ("State Law"). State Law enables localities to adopt local ordinances pertaining to some, but not all, of its subjects, and requires that local ordinances be consistent with State Law. There are subjects, however, where State Law enables localities to adopt regulations that are "more stringent" than State Law. For example, the definitions and regulations pertaining to commercial dog breeding are two subjects where State Law does not enable local regulation. On the other hand, regulations pertaining to cruelty to animals and dispositions following a court determination that an animal has been abandoned, cruelly treated, or subjected to other mistreatment, are two subjects that the State Law enables local regulations to be more stringent (Virginia Code § 3.2-6543(A)).

To ensure consistency with State law, the definitions have been revised so that they are substantively identical to the definitions established in State Law and the regulations pertaining to commercial dog breeders (current County Code §§ 4-215, 4-216, and 4-217) are recommended to be deleted. As noted in the preceding paragraph, commercial dog breeding is one of the areas of animal-related regulations that the State has not authorized local regulation.

Chapter 4 is also proposed to be revised to expand those regulations where localities are enabled to be more stringent. Virginia Code § 3.2-6570 is the primary State law prohibiting animal cruelty. It is implemented in current County Code § 4-207 and would be implemented in the proposed draft of Chapter 4 in County Code § 4-301. Some animal cruelty regulations that are more stringent than State Law already exist in the definitions in current Chapter 4. It is recommended that these animal cruelty regulations be relocated to proposed County Code § 4-301. Other more stringent animal cruelty regulations are proposed to be added. Sample more stringent animal cruelty-related regulations are included in Attachment B. The more stringent regulations in current Chapter 4 and those new regulations are each identified in County Code § 4-301(B) of Attachment B. Before a public hearing is scheduled on the amendments to Chapter 4, staff seeks Board direction on possible regulations pertaining to animal cruelty that are more stringent than the regulations in State Law.

Virginia Code § 3.2-6569 is the primary State Law pertaining to the disposition of animals that have been found by a court to have been abandoned, cruelly treated, or subjected to other mistreatment. Virginia Code § 3.2-6569 is implemented in the current County regulations in County Code § 4-208 and would be implemented in the proposed draft of Chapter 4 in County Code §§ 4-306 and 4-308, which are also included in Attachment B.

**BUDGET IMPACT:** There is no expected budget impact.

**RECOMMENDATION:**

Staff recommends that the Board: (1) provide direction on including more stringent regulations pertaining to animal cruelty and the disposition of animals in the proposed amended Chapter 4; and (2) schedule a public hearing on the proposed amended Chapter 4 on October 3, 2018.

**ATTACHMENTS:**

A - Proposed Chapter 4

B - Samples of Relocated and Proposed More Stringent Regulations